

Notice of Allowability

Application No.

10/616,536

Examiner

Thuy V. Tran

Applicant(s)

CRENSHAW, DAVID B.

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/10/2003 & Interview held 07/15/2004.
2. ☒ The allowed claim(s) is/are 13 and 16-22.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

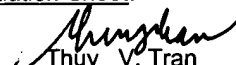
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 07152004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/06/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 07152004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


Thuy V. Tran
Examiner
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DETAILED ACTION

This is a response to the Applicant's filing on July 10th, 2003, the preliminary amendment filed concurrently, and the telephone interview held on July 15th, 2004. In virtue of the filing, the preliminary amendment, and the interview:

- Claims 1-12 and 15 are canceled (upon the preliminary amendment filed on July 10th, 2003);
- Claims 23-32, which are non-elected claims, are canceled (upon the Interview held on July 15th, 2004; see the attached Interview Summary, and see Restriction/Election Requirement below);
- Claim 14 is canceled (upon the Interview held on July 15th, 2004); and thus,
- Claims 13 and 16-22 are now presented in the instant application.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. H. Roy Berkenstock on July 15th, 2004. The Amendment includes:

In the drawings:

Fig. 16: all reference characters and drawing lines being made clear and uniform, respectively;

Fig. 17: all reference characters and drawing lines being made clear and uniform, respectively; and change "Switch Control" (in box Cs) to --Switch Control Circuit--;

Fig. 18: all reference characters and drawing lines being made clear and uniform, respectively; and change "Remote Control" (in box Cs) to --Switch Control--;

In the Title:

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Change the original title to --REMOTE LAMP CONTROL APPARATUS--;

In the Abstract:

Line 1, insert --lamp-- between "remote" and "control";

Lines 1-2, delete "testing the ready... as by";

Line 3, insert --is disclosed-- between "environment" and ".";

Lines 6-9, delete "Upon recognition...the selected test period";

In the Specification:

Page 1, in "CROSS-REFERENCE TO RELATED APPLICATIONS", replace "This application is a divisional application ... by reference" with --This application claims priority of U.S. Provisional Application Ser. No. 60/106,470, filed October 30, 1998; This application is a divisional application of U.S. Application Ser. No. 10/077,401 filed 01/15/2002, which is now U.S. Patent No. 6,710,546; which is a divisional application of U.S. Application Ser. No. 09/977,450 filed October 15, 2001, which is now U.S. Patent No. 6,756,736; which is a divisional application of U.S. Application Ser. No. 09/428,898 filed October 28, 1999, which is now U.S. Patent No. 6,392,349--therefor;

Page 7, line 7, insert --17-- between "Figure" and "is"; and delete "17a";

Page 11, line 8, insert --- by the end of the line;

Page 16, change "withing" to --within--;

Page 19, lines 22 and 27, change "22" to --MC--;

In the claims:

Claim 13:

Line 3, insert --circuit and-- after "control";

Line 4, insert --,-- between "signal" and "wherein";

Line 5, insert --being programmed-- between "transmitter" and "for";

Line 7, insert --circuit-- between "control" and ";";

Line 14, delete "remotely controlled"; and insert --circuit-- after "control";

Line 15, change "if" to --when--;

Line 16, change "if" to --when--; and delete "." and insert --; and wherein said microcontroller is programmed to provide an output responsive only to a repeated selected pulse-time coded infrared signal being checked for correctness in format based upon time, duty cycle, and matching twice one of coded patterns generated by said remote transmitter-- therefor;

Claim 14: canceled;

Claim 16:

Line 2, change "the" (second occurrence) to --a--;

Claim 17:

Line 4, delete "means";

Claim 18:

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Line 1, change "lighting fixture" to --lamp--;

Lines 2 and 3, delete "means";

Claim 19:

Line 1, change "lighting fixture" to --lamp--;

Claim 20:

Line 1, change "lighting fixture" to --lamp--;

Claim 21:

Line 1, change "lighting fixture" to --lamp--;

Claim 22:

Line 1, change "lighting fixture" to --lamp--; and

Claims 23-32: canceled.

Allowable Subject Matter

2. Claims 13 and 16-22 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Prior art fails to disclose or fairly suggest a system for controlling the off-on state of a lamp wherein said microcontroller is programmed to provide an output responsive only to a repeated selected pulse-time coded infrared signal being checked for correctness in format based upon time, duty cycle, and matching twice one of coded patterns generated by said remote transmitter, in combination with the remaining claimed limitations as called for in independent claim 13 (claims 16-22 are allowed since they are dependent on claim 13).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of relevant prior art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Szuba (Pub. No. US 2002/0197625 A1) discloses a lighting control utilizing remote infrared controllers.

Prior art Luchaco (U.S. Patent No. 6,528,957) discloses a power/energy management control system.

Prior art Bryde et al. (U.S. Patent No. 5,909,087) discloses a lighting control system with wireless remote control.

Prior art Erwin (U.S. Patent No. 5,642,104) discloses an automatic lighting controller.

Prior art Moseley et al. (U.S. Patent No. 5,237,264) discloses a remotely controllable power control system.

Prior art Moseley et al. (U.S. Patent No. 5,099,193) discloses a remotely controllable power control system.

Prior art Bedard et al. (U.S. Patent No. 4,484,295) discloses a control system.

Prior art Bedard et al. (U.S. Patent No. 4,425,628) discloses a power/energy management control system.

Prior art Schwarzbach et al. (U.S. Patent No. 4,418,333) discloses an appliance control system.

Remarks/ Restriction/Election Requirement

The following is the Restriction/Election Requirement concerning the claimed inventions that were originally filed on July 10th, 2003. The election was already made without traverse,

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and the non-elected Invention Group was canceled, that led to the Examiner's Amendment and the Allowance above as a result. However, this Restriction/Election Requirement is still being provided herein in details for clarity of the record of the file.

Restriction/Election

5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 13-14 and 16-22, drawn to a system for controlling the on-off state of a lamp employing a remote transmitter for sending a pulse-time coded infrared signal to an infrared detector, classified in class 315, subclass 150.
 - II. Claims 23-32, drawn to a system for controlling the level of illumination of a lamp employing a remote transmitter for sending a pulse-time coded infrared signal to an infrared detector, and a variable electronic ballast control, classified in class 340, subclass 870.39.
6. The inventions are distinct, each from the other because:
7. Inventions Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different Inventions Group I and II:
 - are incapable of use together since the switch of the Invention Group I can not be configured within the variable electronic ballast control of the Invention Group II, or vice-versa, to perform its own function;

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- have different modes of operation: For instance, Invention Group I is operated at the same input power while Invention Group II controls the input power to supply to the lamp for a desired illumination level;
- have different functions: For instance, Invention Group I provides an on/off function to the lamp while Invention Group II varies the input voltage to control the illumination of the lamp; and
- have different effects: For instance, Invention Group I changes the state (on/off) of the lamp while Invention Group II changes the lamp illumination levels.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Mr. H. Roy Berkenstock on July 15th, 2004, an election was made without traverse to prosecute the invention of Group I, including claims 13-14 and 16-22, and a cancellation of the non-elected invention of Group II, including claims 23-32, was made without prejudice (see details in the attached Interview Summary; PTOL-413).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuy V. Tran
Examiner
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T.T.
07/15/2004

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', is written over the printed name and title.